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**Promotion and protection of human rights:
human rights situations and reports of special
rapporteurs and representatives**

Situation of human rights in the Democratic People's Republic of Korea

Report of the Secretary-General**

Summary

The present report is submitted pursuant to paragraph 6 of General Assembly resolution 63/190.

The Government of the Democratic People's Republic of Korea has not recognized the resolutions adopted by the Human Rights Council and the General Assembly on the situation of human rights in the Democratic People's Republic of Korea. It continues not to accept technical assistance from the Office of the United Nations High Commissioner for Human Rights (OHCHR) and has not granted access to the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, appointed by the Human Rights Council. This situation has not allowed the Secretary-General to obtain the information necessary to report in full to the General Assembly regarding the subject in question.

The Secretary-General notes with serious concern continuing reports that the situation of human rights in the Democratic People's Republic of Korea remains grave and that the Government of the Democratic People's Republic of Korea has not taken significant steps to address persistent reports of systematic and widespread human rights violations and to provide safeguards for human rights. He highlights the fact that the Democratic People's Republic of Korea continues to face complex humanitarian problems which hamper the fulfilment of human rights. The Secretary-General is deeply concerned at the continued decline of food assistance made available by the international community, despite the worsening shortage of food reported by humanitarian agencies.

* A/64/150.

** This report was submitted after the deadline so as to include the most recent developments.

The status of the engagement and cooperation of the Democratic People's Republic of Korea with international human rights mechanisms such as the treaty bodies, the special procedures and the universal periodic review of the Human Rights Council is outlined in the report. The report also contains updates submitted by other United Nations agencies concerning the right to food, the right to health, the rights of the child and the rights of refugees.

The Secretary-General urges the Government to provide safeguards for human rights and ensure domestic legal reform, in accordance with its international treaty obligations. He calls again upon the Government to engage with OHCHR in technical cooperation and to cooperate with the Special Rapporteur on the situation on human rights in the Democratic People's Republic of Korea. He further calls upon the Government to prioritize its resources in order to address the humanitarian needs of its population and to consider allowing United Nations agencies and their humanitarian partners on the ground to increase their operations, with appropriate monitoring conditions. The Secretary-General urges the international community to uphold its commitment to protecting human rights and helping address the critical humanitarian needs of the citizens of the Democratic People's Republic of Korea. He strongly encourages all parties concerned to commit themselves in bilateral and multilateral settings to facilitating increased dialogue and cooperation on human rights.

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I. Introduction

1. The present report is submitted pursuant to paragraph 6 of General Assembly resolution 63/190 of 18 December 2008, in which the General Assembly decided to continue its examination of the situation of human rights in the Democratic People's Republic of Korea at its sixty-fourth session and requested the Secretary-General to submit a comprehensive report on the situation of human rights in the Democratic People's Republic of Korea.

2. The Government of the Democratic People's Republic of Korea has indicated that it does not recognize the resolutions adopted by the Human Rights Council (10/16) and the General Assembly (63/190) on the situation of human rights in the Democratic People's Republic of Korea.¹ Although the Government of the Democratic People's Republic of Korea stated its readiness to participate in the universal periodic review process of the Human Rights Council and cooperate with various human rights mechanisms, the Government of the Democratic People's Republic of Korea has continued not to accept technical assistance from the Office of the United Nations High Commissioner for Human Rights (OHCHR).² It has also refused to recognize the mandate of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea and has not granted the Special Rapporteur or other special procedures access to the country. This situation has not allowed the Secretary-General to obtain the information necessary to report in full to the General Assembly regarding the subject in question.

3. The Democratic People's Republic of Korea is a party to four international human rights treaties: the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the Convention on the Elimination of All Forms of Discrimination against Women; and the Convention on the Rights of the Child. The continuous engagement of the Democratic People's Republic of Korea with the Committee on the Rights of the Child is worthy of note. The third and fourth periodic reports of the Democratic People's Republic of Korea concerning the implementation of the Convention on the Rights of the Child were examined by that Committee at its fiftieth session, in January 2009. An encouraging initiative has been the drafting of a 2008-2010 work programme by the Central Committee of the Korean Federation for Persons with Disabilities, under the guidance of the Cabinet, although the Democratic People's Republic of Korea has yet to ratify the Convention on the Rights of Persons with Disabilities. Also welcome is the cooperation of the Democratic People's Republic of Korea with the United Nations Population Fund (UNFPA) for the conduct of a national population census in 2008, the first since 1993. The full report on the census, which will be available by the end of 2009, will contain socio-economic and demographic data that will facilitate more informed policy planning.

4. However, the Secretary-General notes with serious concern continuing reports that the situation of human rights in the Democratic People's Republic of Korea

¹ Statements by the delegation of the Democratic People's Republic of Korea to the General Assembly at its sixty-third session and to the Human Rights Council at its tenth session.

² The Democratic People's Republic of Korea will come under review by the universal periodic review mechanism in December 2009. In a statement to the Third Committee in November 2008, the representative of the Democratic People's Republic of Korea stated that the Democratic People's Republic of Korea was ready to participate in the universal periodic review process and cooperate with various human rights mechanisms.

remains grave. Since his previous report (A/63/322), the Government of the Democratic People's Republic of Korea has not taken significant steps to address persistent reports of systematic and widespread human rights violations or to provide safeguards for human rights, as outlined in General Assembly resolution 63/190. Although they could not be independently verified, reports from a range of sources refer to the continuous absence of due process and the rule of law, and inhumane conditions of detention in the country. Torture, forced labour, indoctrination and ill-treatment of refugees or asylum-seekers repatriated from abroad continue to be reported. Reports also indicate that women are vulnerable to human trafficking and those in detention are at risk of sexual abuse. There has also been no significant shift in the authorities' approach with regard to freedom of movement, religion, opinion and expression, the right to peaceful assembly and association, and access to information.

5. Key issues of concern raised by the Committee on the Rights of the Child at its fiftieth session include: the possibility of children facing discrimination on the basis of political or other opinion, social origin or other status, either of themselves or of their parents; children who cross the border into neighbouring countries facing possible harsh treatment upon return or repatriation; the impact of the political climate on children, especially with regard to vulnerability to socio-economic deprivation; and the military aspects of education, which could have a negative impact on the realization of aims of education;³ labour laws not prohibiting harmful or hazardous work for children aged under 18; the reportedly growing incidence of substance abuse by children and information that children are being mobilized to work on State opium poppy farms; the significant number of *kkotjebi* or street children; and "public education measures" to which children aged between 14 and 17 are subject in cases of crime.

6. The Democratic People's Republic of Korea also continues to face complex humanitarian problems which seriously hamper the fulfilment of human rights of the population. They range from widespread food shortages and a deteriorating health system, to lack of access to safe drinking water or quality education. The report of the crop and food security assessment mission to the Democratic People's Republic of Korea, jointly conducted in October 2008 by the Food and Agriculture Organization of the United Nations (FAO) and the World Food Programme (WFP), indicated that even with anticipated commercial imports and currently pledged food aid, the country would experience a cereal shortfall of 836,000 tons for the 2008/09 marketing year, leaving 8.7 million people in need of food assistance. In May 2009, owing to the low levels of donor resources received for the WFP emergency operation launched in September 2008, WFP was advised by the Government of the Democratic People's Republic of Korea to reduce the humanitarian food programme and adjust the operating conditions to those agreed to in June 2008. One of the changes was a decrease in geographical coverage. With effect from June 2009, WFP has access to only 57 of the 131 counties/districts originally targeted under its emergency operation. The number of international staff has been reduced to 16 (none of them Korean speakers) and three of the five field offices have been closed down. With its reduced geographic coverage, WFP could feed up to 2.27 million people of the 6.2 million originally targeted. Monitoring will require advance notice

³ Specific reference was made to the aims of education described in article 29 of the Convention on the Rights of the Child.

of one week instead of 24 hours. The Democratic People's Republic of Korea also announced in March 2009 that it would not accept further food aid from the United States and expelled five non-governmental humanitarian aid organizations.

7. With 70 per cent of the population dependent on the public distribution system, it is a matter of concern that Government officials are reporting declining rations, down from 350 grams per person per day to between 200 and 300 grams per person per day — not even a third of daily energy requirements. Urban households in areas of low industrial activity (particularly the north-east) are the most affected by the food shortage. These households have been badly hit by higher food prices and reductions in public food rations, as well as by lower employment and salaries caused by industrial recession. Young children, pregnant and nursing women and elderly people remain particularly vulnerable to food insecurity and malnutrition because of their particular dietary needs.

8. While the announcement by the Democratic People's Republic of Korea on 22 July 2009 that it is setting up the Ministry of Foodstuff and Daily Necessities Manufacturing is a sign that the Government is trying to address the severe food situation, a range of reports have indicated that the authorities have blocked access to alternative sources of food by forbidding kitchen farming in private households and closing down markets where food items are traded. Such reports indicate that the Democratic People's Republic of Korea is failing to fulfil its obligations under international human rights law to protect the right to adequate food.

9. The latter half of the reporting period was dominated by a deterioration of relations between the Democratic People's Republic of Korea and the international community, as a consequence of the nuclear and missile tests undertaken by the Democratic People's Republic of Korea. In spite of the political and security climate, it is of paramount importance that the Government of the Democratic People's Republic of Korea and the international community recognize that the protection of human rights and meeting the humanitarian needs of the citizens of the Democratic People's Republic of Korea should not be adversely affected.

10. The Secretary-General welcomes the release of the two United States journalists and the worker of Republic of Korea nationality working in the Gaesong Industrial Complex, on 4 August and 13 August 2009 respectively. He appreciates the decision of the authorities of the Democratic People's Republic of Korea to take positive measures based on humanitarian concerns. He also welcomes the earlier agreement between the Democratic People's Republic of Korea and Japan that the Democratic People's Republic of Korea conduct a comprehensive investigation of certain cases of abduction⁴ and encourages the Democratic People's Republic of Korea to follow up on the agreement. He also encourages the Democratic People's Republic of Korea to take further steps to facilitate family reunions of those separated as a result of the Korean War (1950-1953).

11. Up-to-date information on the cooperation of the Democratic People's Republic of Korea with international human rights mechanisms and on the activities undertaken by the United Nations, in particular OHCHR, to promote and protect human rights in the Democratic People's Republic of Korea is provided in section II below. Updates submitted by other United Nations agencies concerning the right to

⁴ Working-level consultations were held between the Democratic People's Republic of Korea and Japan in August 2008.

food, the right to health, the rights of the child and the rights of refugees in the Democratic People's Republic of Korea are contained in section IV below.

II. Cooperation with international human rights mechanisms

A. Treaty bodies

12. The combined third and fourth periodic reports of the Democratic People's Republic of Korea (CRC/C/PRK/4) concerning the implementation of the Convention on the Rights of the Child were considered at the fiftieth session of the Committee on the Rights of the Child, on 23 January 2009. The Committee regretted that the paucity of information provided by the Democratic People's Republic of Korea had made it difficult to assess the progress achieved in the implementation of the Convention. It also regretted that many of its concerns and recommendations from the previous review had been insufficiently or only partly addressed, including those related to data collection, allocation of resources, alternative care, health, education and special protection measures.

13. The Democratic People's Republic of Korea has yet to submit its third periodic report concerning the implementation of the International Covenant on Civil and Political Rights, which was due in January 2004; its second periodic report concerning the implementation of the Convention on the Elimination of All Forms of Discrimination against Women, which was due in March 2006; and its third periodic report concerning the implementation of the International Covenant on Economic, Social and Cultural Rights, which was due in June 2008.

B. Special procedures

14. The Government of the Democratic People's Republic of Korea has to date not issued a standing invitation to the special procedures of the Human Rights Council and not granted requests to visit the country made by the Special Rapporteur on freedom of religion or belief in 2002, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression in 1999, the Special Rapporteur on the right to food in 2003 and 2009, and the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea from 2004 to 2009.

15. On 27 April 2009, the Special Rapporteur on the right to food renewed a request for a visit made by his predecessor in 2003. On 4 May 2009, the Government of the Democratic People's Republic of Korea responded that the request made in 2003 was intended to be carried out as part of the implementation of a resolution on the situation of human rights in the Democratic People's Republic of Korea which it "categorically and resolutely" rejected. It added that the resolution had been "pursuing ill-minded political aims to infringe upon the sovereignty of the Democratic People's Republic of Korea" and a visit by the Special Rapporteur on the right to food would not be possible as long as the resolution on the situation of human rights in the Democratic People's Republic of Korea remained in effect. On 20 July 2009, the Special Rapporteur on the right to food responded that his mandate derived from Human Rights Council resolution 6/2, in which the Council had requested him to promote the full realization of the right to

food, and that visits to countries undertaken in the exercise of his mandate were based solely on the above-mentioned resolution. In a communication dated 29 July 2009, the Government of the Democratic People's Republic of Korea responded that the visit requested by the Special Rapporteur on the right to food was related to Commission on Human Rights resolutions on the Democratic People's Republic of Korea in which the Commission had urged the Democratic People's Republic of Korea to cooperate with thematic procedures of the Commission, including the Special Rapporteur on the right to food, and that General Assembly resolutions on the Democratic People's Republic of Korea urged the implementation of the resolutions of the Commission.⁵ It added that the mandate of the Special Rapporteur on the right to food had been "abused for political purposes against the Democratic People's Republic of Korea" through those resolutions.

16. The Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on violence against women, its causes and consequences and the Chairperson-Rapporteur of the Working Group on Arbitrary Detention jointly sent an urgent appeal to the Government of the Democratic People's Republic of Korea on 2 April 2009, seeking clarification on the circumstances of the arrest and detention of two United States journalists and the initial steps taken by the Government to safeguard their rights. In a communication dated 8 April 2009, the Government of the Democratic People's Republic of Korea replied that the two United States reporters had been detained on 17 March 2009 as a result of their "hostile acts" and "illegal entry" into the Democratic People's Republic of Korea by crossing the border between the Democratic People's Republic of Korea and China. It further said that, while investigations were under way, consular contact was allowed and treatment of the detained was in accordance with international law. The two journalists, who had subsequently been given a 12-year sentence in a labour camp, were released by the Government of the Democratic People's Republic of Korea on 4 August 2009.

C. Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea

17. On 26 March 2009, at its tenth session, the Human Rights Council, adopted resolution 10/16, in which it decided to extend the mandate of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea for a period of one year. At the same session, the delegation of the Democratic People's Republic of Korea stated to the Council that it "categorically and resolutely" rejected the resolution. The Government of the Democratic People's Republic of Korea argued that the resolution establishing the mandate of the Special Rapporteur was "pursuing ill-minded political purposes", "full of distortions and fabrications" and "in contravention of the founding ideals of the Human Rights Council and undermines the function of the Council". The Government of the Democratic People's Republic of Korea has to date not extended any cooperation to

⁵ The Government of the Democratic People's Republic of Korea referred to Commission on Human Rights resolutions 2003/10, 2004/13 and 2005/11, and General Assembly resolutions 60/173, 61/174, 62/167 and 63/190.

the Special Rapporteur and has not approved his outstanding requests to visit the country. The Special Rapporteur renewed his request to undertake an official mission to the Democratic People's Republic of Korea on 14 July 2009. In a communication dated 21 July 2009, the Government of the Democratic People's Republic of Korea reiterated its rejection of the resolution and its non-recognition of the mandate of the Special Rapporteur, and stated that it would "never be possible" for a visit by the Special Rapporteur "to be realized".

18. The Special Rapporteur visited two countries neighbouring the Democratic People's Republic of Korea, the Republic of Korea (27-31 October 2008) and Japan (23-28 January 2009), to gather information on the human rights situation in the Democratic People's Republic of Korea from a variety of Government, civil society and other interlocutors. He highlighted the unresolved issue of persons abducted by the Democratic People's Republic of Korea, as well as the protection needs of those fleeing from the Democratic People's Republic of Korea and the issue of family reunion.

19. The Special Rapporteur presented his previous report to the General Assembly (A/63/322) on 23 October 2008 and his latest report to the Human Rights Council (A/HRC/10/18) on 16 March 2008. In the latter report, the Special Rapporteur analysed information relating to food and basic necessities, personal security, freedoms, asylum and migration, the situation of specific groups and ways to address the situation from the perspectives of prevention, protection, provision and participation. The Special Rapporteur is submitting a separate report to the General Assembly at its sixty-fourth session on the situation of human rights in the Democratic People's Republic of Korea, pursuant to General Assembly resolution 63/190 and Human Rights Council resolution 10/16.

D. Working Group on Enforced or Involuntary Disappearances

20. In its latest report to the Human Rights Council (A/HRC/10/9), the Working Group on Enforced or Involuntary Disappearances stated that, since its establishment, it had transmitted nine cases of disappearance to the Government of the Democratic People's Republic of Korea, all of which remained outstanding. In addition to eight cases relating to Japanese nationals abducted in the 1970s and 1980s, a further case of disappearance was reported to have occurred, that of a female national of the Republic of Korea on the border between China and the Democratic People's Republic of Korea in 2004. The Government of the Democratic People's Republic of Korea transmitted three communications to the Working Group, dated 10 January, 6 May and 2 October 2008, in which it replied with regard to all the outstanding cases. The Working Group found that the responses did not contain sufficient information to clarify the fate or whereabouts of the disappeared persons.

21. Separately, the Working Group submitted two newly reported cases to the Government of Japan. These cases concern two Japanese nationals reportedly abducted in Japan by secret agents of the Democratic People's Republic of Korea. In accordance with its methods of work, the Working Group sent a copy of the cases to the Government of the Democratic People's Republic of Korea.

22. The Working Group notes the positive steps taken by the Government of the Democratic People's Republic of Korea and the Government of Japan and is hopeful

that new investigations may be carried out and lead to the clarification of the outstanding cases. The two Governments reached an agreement during their working-level consultations in August 2008 to ensure that the Democratic People's Republic of Korea conducts a comprehensive investigation of the unresolved cases of abduction.

E. Universal periodic review

23. The review of the Democratic People's Republic of Korea under the universal periodic review mechanism of the Human Rights Council will take place at the sixth session of the universal periodic review scheduled for December 2009. The delegation of the Democratic People's Republic of Korea has actively participated in the review of reports submitted by other Member States in the universal periodic review process. The Secretary-General strongly encourages the authorities of the Democratic People's Republic of Korea to engage with OHCHR and other United Nations agencies to implement the recommendations that will arise from the review of the Democratic People's Republic of Korea.

III. Role of the Office of the United Nations High Commissioner for Human Rights in assisting the Government of the Democratic People's Republic of Korea in the promotion and protection of human rights

24. The United Nations High Commissioner for Human Rights invited the Permanent Representative of the Democratic People's Republic of Korea to the United Nations Office at Geneva to a meeting on 16 February 2009, with a view to exploring ways of initiating technical cooperation between OHCHR and the Democratic People's Republic of Korea.

25. The High Commissioner welcomed the statement made by the representative of the Democratic People's Republic of Korea in the Third Committee in November 2008 that it was ready to participate in the universal periodic review process and to cooperate with various human rights mechanisms. She pointed out that OHCHR was one such mechanism. Given that the Democratic People's Republic of Korea had not accepted past offers of technical assistance from OHCHR, the High Commissioner stressed the independent role of OHCHR and that its offer of technical assistance did not originate from or depend upon resolutions with which the Democratic People's Republic of Korea had difficulties. She also expressed concern over reports of the critical food situation, the increase in the number of homeless children, the punishment upon their return of citizens who had left the country, the large number of public executions, the sexual assault of female prisoners and the trafficking of women. She strongly encouraged the Democratic People's Republic of Korea to allow OHCHR to conduct an assessment mission and to discuss possible areas of cooperation, especially in the light of the forthcoming review of the Democratic People's Republic of Korea by the universal periodic review mechanism in December 2009. The High Commissioner stated that a first visit by OHCHR would be a very positive signal from the Government of the Democratic People's Republic of Korea.

26. The Permanent Representative of the Democratic People's Republic of Korea said that he need not repeat the unfairness of the resolutions adopted against the Democratic People's Republic of Korea. While the Permanent Representative thanked the High Commissioner for the offer of technical assistance, he stated that his Government would only allow a visit or welcome technical cooperation if the resolutions, which it considered to be aimed at eliminating the socialist State system of the Democratic People's Republic of Korea, were removed. He also stated that the Democratic People's Republic of Korea would have no difficulty in accepting technical assistance from OHCHR if technical cooperation were not mentioned in resolutions which the Government of the Democratic People's Republic of Korea did not recognize. The Permanent Representative added that the Democratic People's Republic of Korea did not agree with the resolutions and the mandate of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea existing in parallel with the universal periodic review. He regretted that OHCHR should rely on reports "fabricated by hostile forces".

27. The High Commissioner stressed the need to separate the institutional processes and to discuss the appropriate type of technical cooperation. She also emphasized that by not engaging with OHCHR, the authorities of the Democratic People's Republic of Korea were forcing OHCHR to rely on the reports of human rights violations that it had received. The High Commissioner maintained the offer for OHCHR to assist the Democratic People's Republic of Korea in preparing for its universal periodic review session. To date, there has been no further communication on this matter.

IV. Assistance for the promotion and protection of human rights in the Democratic People's Republic of Korea extended by the United Nations system

28. In a letter dated 12 May 2009, the United Nations High Commissioner for Human Rights invited United Nations principals to submit relevant information to OHCHR on the human rights situation in the Democratic People's Republic of Korea. OHCHR subsequently received relevant information from the following United Nations entities: the United Nations country team in the Democratic People's Republic of Korea;⁶ FAO; WFP; the United Nations Children's Fund (UNICEF); UNFPA; and the Office of the United Nations High Commissioner for Refugees (UNHCR).

A. Food and Agriculture Organization of the United Nations

29. FAO reported that the Democratic People's Republic of Korea had yet to achieve freedom from hunger. In 2006 and 2007, the Democratic People's Republic of Korea suffered negative developments in domestic food availability, including two consecutive years of summer flooding. Based on Government data on the 2007 spring and summer harvests, FAO estimated the cereal deficit in 2008 to be over 1.6 million tons, the largest food shortfall since 2000/01.

⁶ The United Nations country team in the Democratic People's Republic of Korea comprises five resident United Nations agencies — FAO, UNFPA, UNICEF, WFP and WHO.

30. According to the 2008 FAO/WFP crop and food security assessment mission report, the agricultural production of the Democratic People's Republic of Korea would not meet basic food needs in 2008/09 despite favourable climatic conditions during the prior growing season. The average household will continue to face major challenges in accessing sufficient food in the coming year. According to the FAO/WFP assessment mission report, only 142 kg per annum will be available on average per person from domestic production, compared to the estimated 167 kg per annum needed for a healthy diet. Serious food shortages persist and continue to affect vulnerable members of the population, including young children, pregnant and nursing women, the disabled and the elderly. The most vulnerable communities are located in urban and peri-urban areas, primarily, but not entirely, in the north-east.

31. Malnutrition rates are high, with 37 per cent of young children chronically malnourished and one third of mothers malnourished and anaemic.⁷ The vulnerable communities have little prospect of either producing their own food or earning enough income to make food purchases. This is especially so in the northern provinces with a large non-farm population, where former industrial or mining communities experience high levels of unemployment or underemployment and have little access to productive land. In these provinces, cooperative farm families, which during a reasonable harvest year are modestly food-secure, were experiencing dwindling household food stocks as they were obliged to share their produce with relatives in nearby towns. The vulnerable communities are also heavily reliant on food transfers from surplus-producing areas. The "cereal bowl" provinces are the only parts of the country potentially able to generate any substantial food surplus which can be transferred to these most needy groups. However, without sufficient fertilizer, production in the "cereal bowl" surplus-producing areas of North and South Hwanghae, North and South Pyongan and Pyongyang provinces cannot reach levels at which food may be transferred to deficit areas in support of the neediest communities.

32. The low output of the farming sector in the Democratic People's Republic of Korea is mainly caused by a long-term decline in soil fertility, extreme weather events, structural issues (including constraints on market activities) and the lack of key inputs such as fertilizer, fuel, seed, plastic sheeting and mechanization, including spare parts and tyres. The situation is compounded by chronic energy shortages, especially of electricity and fuel for land preparation, harvesting and post-harvest management. In 2008, although seed was available, fertilizer supplies were only 60 per cent of deliveries in 2007 and fuel supplies amounted to 70 per cent of the previous year's levels. Wheat and barley seed, essential for early cropping, is often of poor quality and low yielding, and needs replacing with improved varieties. The same is true for vegetables, which form an important component of the Korean diet.

33. Arable land amounts to less than 20 per cent of the total area of the country and there is a short growing season. Soils are poor, with low organic content. Over the past few years, natural disasters have affected agriculture virtually every year with varying degrees of severity, with consequent adverse effects on food production. In addition, within the farming sector there exists a lack of incentives, coupled with an outmoded institutional framework. Furthermore, the economic and

⁷ These figures were reported by the 2004 joint Government, UNICEF and WFP nutrition assessment.

political situation does not allow for significant commercial imports of much needed agricultural inputs. In 2008, the cost of food in the markets rocketed, with rice costing 2.5-3 times more than two years ago, while the price of maize was four times higher. Household incomes seem unable to keep up with these rampant price increases. Official salaries remain almost stagnant and informal incomes are suffering the effects of tightening restrictions on market activities. Increases in agricultural production can only be achieved through improved yields, given that all suitable arable land is already under cultivation.

34. Prospects for the 2009 agricultural season and, therefore, food security, are threatened primarily by a shortage of fertilizer. Fertilizer is needed for increased production of cereals and vegetables. Its availability would enable farmers to provide timely and sufficient applications at critical stages in crop development to improve soil fertility, precluding the need to compensate for insufficient chemical fertilizer by applying local compost, which is of limited effectiveness, saving farmers an unnecessary workload that competes with other essential farming tasks and preventing further irreversible environmental damage.

35. For the second successive year, the Democratic People's Republic of Korea is not requesting annual aid of some 350,000 metric tons of fertilizer from the Republic of Korea. Export taxes on fertilizer applied by China, the major exporter of fertilizer to the Democratic People's Republic of Korea, reached 150 per cent in 2008 and now are as high as 110 per cent. During the recent boom, global prices for fertilizer escalated further and faster than for any other major commodity. Despite an easing of price increases in the second half of 2008, prices remain at very high levels. Although the Government of the Democratic People's Republic of Korea has historically provided fertilizer to farmers in exchange for a quota of the harvest, it is increasingly unable to make such provision because of its underlying economic problems. The Democratic People's Republic of Korea has very limited prospects for purchasing fertilizer on international markets. Furthermore, fertilizer production in-country is very limited; factories are producing greatly below capacity and any carry-over stocks were used up in 2008.

36. The Democratic People's Republic of Korea requires a total of 750,000 metric tons of fertilizer annually. The 2008 FAO/WFP crop and food security assessment mission estimated that in 2008 only 60 per cent of that total requirement was actually applied. This was consistent with cooperative farms reporting that they had received approximately 60 per cent of a normal year's allocation, which is nearly always set significantly below actual agronomic needs. It has not been possible to obtain official estimates for fertilizer allocation for 2009. However, current FAO field reports indicate that the level is similar to that for 2008. This represents a very serious shortfall. Farmers have again compensated by mass efforts to apply local, improved compost, the required application rates for which are much higher than those for chemical fertilizer, 25 metric tons as compared with 5 metric tons per hectare. Local compost is, however, unlikely to compensate effectively for chemical fertilizer and crop yields in 2009 are again likely to be seriously reduced. The official practice is to apply compost immediately to fields without allowing sufficient time for it to decompose. Moreover, the practice is not sustainable, as evidenced especially by the depletion of local peat resources, which many households rely on for domestic heating, and intense use of organic material and even of topsoil from sloping land. During the main growing season in 2008, the country experienced optimum crop-growing conditions, with no natural disasters or

any pest or disease epidemics. However, FAO estimated that the heavy chemical fertilizer shortfall had reduced the eventual harvest by 25 to 30 per cent.

B. World Food Programme

37. Despite several policy statements having been made over the past year on the urgency of solving the food problem, there has been no noticeable improvement in household food security, and hunger remains widespread across the country. The effects of the large food shortages following the decreased 2008/09 harvest were evident during WFP monitoring visits. The majority of households visited reported difficulties in accessing sufficient food from standard food sources like the public distribution system, consumption of reduced number of meals per day and very poor dietary diversity (mainly cereals, vegetables and wild foods). Several institutions and hospitals visited reported an increase in the number of children suffering severe malnutrition, and a general deterioration in health.

38. The dangers of the continued large food shortages are of particular concern for mothers and young children, with many regions showing a causal cycle of poor maternal nutrition, low weight gain during pregnancy, low birth weight and resulting poor immunity and high infection and neonatal mortality rates. As the dietary needs of these vulnerable groups are elevated, WFP hopes more efforts will be made to enhance their access to a nutritious diet. The interest shown by the Government of the Democratic People's Republic of Korea in expanding local production of vitamin- and mineral-fortified foods is positive and WFP encourages both the Government of the Democratic People's Republic of Korea and the international community to support the expansion of the WFP-supported programme or similar domestic initiatives.

39. The limited availability of resources to fund humanitarian food assistance programmes was a key concern over the reporting period and as a result WFP activities in the Democratic People's Republic of Korea fell far short of their intended impact. Food distributions since January 2009 only amounted to around 4,500 metric tons per month, a mere 10 per cent of planned levels. Out of the 6.2 million of the population envisaged to be fed under the emergency operation, only some 1.33 million had been reached, with incomplete food rations, in June 2009. As humanitarian needs remain very high and bilateral imports/aid are limited, this situation is likely to lead to deteriorating nutrition and health in the most vulnerable groups and regions.

40. Some of the positive steps taken in 2008 to alleviate the food problem through international cooperation were reversed in 2009. The decision by the Democratic People's Republic of Korea to decline some international offers of food assistance could lead to reduced food availability unless sufficient quantities are secured through imports or bilateral assistance. Moreover, in June 2009, owing to lack of resources, the Government of the Democratic People's Republic of Korea altered some of the key provisions of the operating conditions for the World Food Programme agreed to a 2008 letter of understanding, including by ending the ability to employ Korean-speaking monitors, reducing the number of international staff visas issued, restricting geographical coverage and reverting to the practice of requiring 7-day travel plans for monitoring instead of 24-hours' notice. In particular, the reduction of geographical access to 57 from 131 counties/districts is likely to

negatively affect food access for many households, most notably in Ryanggang province, a traditionally food-deficit region with high malnutrition rates which will no longer be accessible. WFP hopes that the Government of the Democratic People's Republic of Korea will be open to reconsidering the changes in operating conditions, should more resources be made available from the international community or should humanitarian needs so warrant.

41. WFP welcomes the facilitation by the Government of the Democratic People's Republic of Korea of the FAO/WFP crop and food security assessment in October 2008, the first of its kind since 2004, and hopes similar cooperation will be extended in 2009. The ability to undertake assessments of food security, agriculture and nutrition/health is vital to ensure the correct identification of food needs, proper targeting of food assistance and evaluation of the impact of humanitarian programmes. If successfully resourced, such operations will go a long way towards alleviating the hunger of the population.

C. United Nations Children's Fund

42. The vulnerability of women and children to malnourishment continues to be significant and is intrinsically linked to the shortage of food. While UNICEF can mitigate this problem to some extent through multiple interventions, the structural and other constraints to eradicating extreme poverty and hunger continue to be challenging.

43. The Democratic People's Republic of Korea has achieved universal primary education, as all children complete secondary education in the country and literacy rates are near universal. The challenge, however, is to improve the quality of teaching and learning. In this regard there are hopeful developments, such as an ongoing project on the revision of the mathematics curriculum.

44. UNICEF reported that the Democratic People's Republic of Korea has done well in promoting gender equality and the empowerment of women, and that indicator requirements relating to parity between boys and girls in schools, female/male literacy and the share of women in wage employment are all met to the extent that information is available about these matters. Women and men are paid the same wages and women enjoy a flexible five-month period of paid maternity leave.

45. It is difficult to estimate progress towards reducing child mortality owing to the absence of reliable data. Important initiatives in this area in 2008 include a vigorous campaign on exclusive breastfeeding, with the observance of International Breastfeeding Week for the first time, and the completion of a nationwide immunization coverage survey and cold chain assessments. New initiatives in the area of nutrition include a pilot community-based therapeutic care project and the development of an information package covering pre-pregnancy and containing nutritional and health messages for distribution to all newly-wed couples.

46. The maternal health area continues to be a major challenge. A very high percentage of deliveries take place in institutions and WHO, UNFPA and UNICEF are working together to improve the facilities of such institutions for safe delivery and to enhance the capacity of the medical personnel who attend deliveries. The nutritional status of pre-pregnant women is also a key factor linked to maternal

health and mortality rates, and must be adequately addressed for performance in this area to improve significantly.

47. While it is difficult to estimate progress made on ensuring environmental sustainability owing to lack of access to policy documents, UNICEF and its partners continue to be committed to addressing the right to live in a healthy environment, including the rights to sanitation and clean water. Positive developments reported by UNICEF include progress on the consolidation of the gravity fed water systems leading to good capacity to scale up this technology, and the completion of a pilot project on a decentralized waste water system. Both of these technologies are energy-free and contribute to the reduction of carbon emissions as they displace fuel-based alternatives.

D. United Nations Population Fund

48. With technical and funding support from UNFPA, a national population census was successfully conducted in October 2008 in the Democratic People's Republic of Korea. The socio-economic and demographic data collected from the census will better inform the policy planning of the authorities in the Democratic People's Republic of Korea and of United Nations agencies dealing with a range of rights-related programmes. The field work for the census was conducted by over 40,000 supervisors and enumerators for some 15 days, and was observed and monitored by 13 international personnel. With support from the UNFPA Chief Technical Advisor and visiting international consultants, the census data entry was completed by the end of May 2009 and data editing, tabulation and analysis was then started. The full census report, in accordance with United Nations standards and quality, is expected to be made public before the end of 2009. In February 2009, the preliminary result of the census was released by the Government of the Democratic People's Republic of Korea. They indicated a total population as of October 2008 of over 24 million and an estimated population growth rate of 0.8 per cent per annum since the previous census in 1993.

49. UNFPA continues to implement the national reproductive health strategy with a programme focusing on reducing maternal mortality. With funding support from the Central Emergency Response Fund, Norway and New Zealand, the UNFPA comprehensive package for emergency obstetric and neonatal care at the levels of primary health care at Ri (organizational unit) clinics and hospitals, and of referral at county hospitals, was extended to 273 villages in 11 focus counties. The package includes extensive hands-on emergency obstetric and neonatal care training for doctors and midwives, the supply of essential reproductive health medicine, medical instruments and consumables, as well as information, education and communication activities targeting clinics, hospitals and households in these 11 counties. In addition, UNFPA continues to provide three modern family planning methods and started piloting the use of the hormone injection method in selected counties in 2008.

50. In 2008, UNFPA started to provide oxytocin nationwide, in an effort to deal with post-partum haemorrhage, which is the most prominent cause of maternal mortality in the Democratic People's Republic of Korea. Follow-up visits by UNFPA to the county hospitals and Ri clinics indicate that there is no stock-out of oxytocin at almost all clinics and hospitals visited in the prior 18 months. In the

meantime, cascaded training is being conducted by UNFPA for all health facilities in the country to ensure proper use of oxytocin.

51. With funding support, in particular from the Central Emergency Response Fund, UNFPA was able not only to respond to the immediate needs for basic reproductive health services in the flooded areas in 2007 but also to assist their recovery in 2008 and 2009. In the 27 most affected counties, 250 villages received emergency supplies of clean and safe delivery kits in 2008 and 2009. As a result, there was no increase in maternal mortality in these areas in 2008 and basic emergency obstetric and neonatal care services were uninterrupted.

52. UNFPA continues to strengthen its monitoring activities in the country, in accordance with the principle of "no access, no assistance". For the reproductive health programme, over 230 villages were visited by UNFPA in 2008. For the census project, international personnel had random access throughout the country during the field enumeration in October 2008. UNFPA also started strengthening the national capacity, especially that of the Ministry of Public Health, to monitor and supervise health programmes. Various training on the subject was provided to key staff of the Ministry of Public Health in 2008.

53. Responding to the need to improve the quality and accessibility of reproductive health care in the Democratic People's Republic of Korea, UNFPA, in partnership with other agencies, is supporting the drawing up of in-service and pre-service training guidelines on emergency obstetric and neonatal care and on family planning, the production of an essential reproductive health drug list and the preparation of a doctor's training package on caesarean sections. Together with the International Planned Parenthood Federation, UNFPA also conducted joint research on cervical cancer and will establish a family planning clinic with mobile outreach capacity in North Pyongan province to provide a basic reproductive health service to three mountainous counties.

E. Office of the United Nations High Commissioner for Refugees

54. The United Nations High Commissioner for Refugees (UNHCR) observes that the flow of nationals of the Democratic People's Republic of Korea leaving the country to seek protection, assistance and relocation/resettlement elsewhere has slightly decreased during the reporting period. Nevertheless, reported movements continue to raise a number of concerns: reports of severe curtailing of the right to freedom of movement, including the right to leave the country; increased risks of smuggling and of trafficking of human beings, in particular women for the purposes of prostitution and/or forced marriages; violation of the fundamental principle of non-refoulement by countries of transit; reports of severe punishment in cases of forced return to the Democratic People's Republic of Korea; restrictive policies applied by countries of transit, in particular arrest and detention; absence of access to basic social and economic rights, to legal stay and related documentation (even for long-stayers); no formal recording and/or documentation of vital events; limited possibilities to regularize the stay of children born of mixed parents (a national of the Democratic People's Republic of Korea and a national of another country); and prolonged exit procedures that severely affect the well-being of nationals of the Democratic People's Republic of Korea awaiting settlement in third countries. Unaccompanied women and children are particularly affected by these issues.

UNHCR continues to warn that, if the situation in the Democratic People's Republic of Korea were to deteriorate and these movements were to increase, the countries of transit could have difficulty in coping, because of their limited capacity.

V. Conclusions and recommendations

55. The Secretary-General urges the Government of the Democratic People's Republic of Korea to provide safeguards for human rights and ensure domestic legal reforms in order to comply with its international treaty obligations.

56. The Secretary-General welcomes the review by the Committee on the Rights of the Child of the third and fourth periodic reports of the Democratic People's Republic of Korea on its implementation of the Convention on the Rights of the Child and urges the Government of the Democratic People's Republic of Korea to implement fully the recommendations of the Committee, including with regard to the need to improve access for United Nations agencies in order to ensure equal distribution of humanitarian assistance, including food aid.

57. The Secretary-General is encouraged by the drafting of a 2008-2010 work programme by the Central Committee of the Korean Federation for Persons with Disabilities and hopes that the Democratic People's Republic of Korea will take early steps to ratify and implement the Convention on the Rights of Persons with Disabilities.

58. The Secretary-General reiterates his call upon the Government of the Democratic People's Republic of Korea to demonstrate its cooperation with human rights mechanisms by:

(a) Taking up the offer of technical assistance from OHCHR, especially with a view to implementing the recommendations that will result from the forthcoming review of the Democratic People's Republic of Korea by the universal periodic review mechanism. The independent role of OHCHR is reiterated and the Government of the Democratic People's Republic of Korea is urged to engage with OHCHR in substantive dialogue and technical cooperation. The United Nations High Commissioner for Human Rights will continue to work with other United Nations agencies to strengthen the promotion and protection of human rights for all nationals of the Democratic People's Republic of Korea;

(b) Allowing access to the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea and other special procedures to observe the situation of human rights in the country at first hand;

(c) Submitting its periodic reports concerning the implementation of the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Elimination of All Forms of Discrimination against Women that remain outstanding.

59. The Secretary-General urges the authorities of the Democratic People's Republic of Korea to abide by its obligations under international human rights

law to fulfil the right to adequate food, and to urgently prioritize its resources in order to ensure food security and address the humanitarian needs of its population, including through enhanced humanitarian cooperation with the international community. He renews his call upon the Government to allocate appropriate budgetary resources and adopt policy measures to increase food accessibility for everyone in all locations of the country, paying specific respect to the dietary needs of children, women and other vulnerable groups.

60. The Secretary-General calls upon the Government of the Democratic People's Republic of Korea to facilitate increased and sustained humanitarian operations by the United Nations and its humanitarian partners, and to allow appropriate monitoring conditions. The United Nations agencies continue to play an essential role with regard to development, recovery and emergency aid, capacity-building and the facilitation of international contacts at the technical level in these areas.

61. The Secretary-General also calls upon the international community to uphold its commitment to protecting human rights and addressing critical humanitarian needs of the citizens of the Democratic People's Republic of Korea, and to ensure that humanitarian aid is not adversely affected by political and security concerns. He strongly encourages all parties concerned to facilitate an environment for increased dialogue and cooperation on human rights.